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**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/095,397 06/10/98 KUSCHKE

W 233



PM82/0922

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HUNTINGTON NY 11743

EXAMINER

MANCHO, R

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 09/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/095,397

Applicant(s)
Kuschke W. et al

Examiner
Ronnie Mancho

Group Art Unit
3661

☒ Responsive to communication(s) filed on Sep 8, 2000

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-8 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 16

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 1 of the specification needs to be rewritten in proper idiomatic English.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1, 2, 5, & 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaneshige A. et al (5876223).

Regarding claim 1, Kaneshige A. et al (fig. 12) discloses a screening housing for microwave circuits comprising: a housing body having an interior, said housing body opened at least at one side thereof; a cover 11 closing said interior of said housing body; a substrate 12 mounted on an inner side of said cover 11; and means forming a plurality of chambers provided for accommodating of individual circuit units 17 so that said individual circuit units 17 are

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screened from one another; said means including said substrate 12 on said inner side of said cover 11 and a plurality of webs 13 which are formed directly on said substrate 12 so that when said cover 11 closes said housing body said webs 13 form separating walls between said chambers.

Regarding claim 2, Kaneshige A. et al (fig. 12) discloses the screening housing, wherein said housing body is composed of an electromagnetic energy screening material (nickel, copper plating, col. 4, lines 4-6).

Regarding claim 5, Kaneshige A. et al (fig. 12) discloses the screening housing, wherein said substrate 12 and webs 13 are formed of one piece with one another.

Regarding claim 6, Kaneshige A. et al (fig. 12, col. 4, lines 4-6) discloses the screening housing, wherein said substrate 12 and webs 13 are composed of the same material.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4, 7, & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneshige et al in view of Chung et al (5827997).

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

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commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Regarding claim 3, Kaneshige A. et al (fig. 12) discloses the screening housing, but did not particularly mention that the substrate is composed of a polymer with embedded metal particles. However, Chung et al (col. 1, lines 39+) teaches of an electromagnetic shielding material composed of a polymer with embedded metal particles. Therefore, it would have been obvious to one of ordinary skill in the art of microwave screening, at the time the invention was made, to make the substrate of the Kaneshige et al device to comprise a polymer with embedded metal particles because a polymer with embedded metal particles is cheaper as taught by Chung, col. 1, lines 30+.

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Regarding claim 4, Kaneshige A. et al (fig. 12) discloses the screening housing, but did not particularly mention that the substrate is composed of a silicone mass with embedded metal particles. However, Chung et al (col. 5, line 65) teaches of an electromagnetic shielding material, wherein a substrate (matrix) is composed of a silicone mass with embedded metal particles. Therefore, it would have been obvious to one of ordinary skill in the art of microwave screening, at the time the invention was made, to make the substrate of the Kaneshige et al device to comprise a silicone mass with embedded metal particles because it is cheaper as taught by Chung et al, col. 2, line 24.

Regarding claim 7, Kaneshige A. et al (fig. 12) discloses a screening housing for microwave circuits comprising: a housing body having an interior, said housing body opened at least at one side thereof; a cover 11 closing said interior of said housing body; a substrate 12 applied on an inner side of said cover 11; and means forming a plurality of chambers provided for accommodating of individual circuit units 17 so that said individual circuit units 17 are screened from one another, said means including said substrate 12 applied on inner side of said cover 11, and a plurality of webs 13 formed directly on said substrate 12 so that when said cover 11 closes said housing body said webs 13 form separating walls between said chambers.

Although Kaneshige A. et al (fig. 12) discloses said substrate 12, they did not particularly mention that the substrate is composed of a polymer with embedded metal particles. However, Chung et al (col. 5, lines 64+) teaches of an electromagnetic shielding material composed of a polymer (matrix) with embedded metal particles. Therefore, it would have been obvious to one of

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ordinary skill in the art of microwave screening, at the time the invention was made, to make the substrate of the Kaneshige et al device to comprise a polymer with embedded metal particles because it is cheaper as taught by Chung et al, col. 2, line 24.

Regarding claim 8, Kaneshige A. et al (fig. 12) in view of Chung et al disclose the screening housing as in claim 7, wherein said substrate 12 and webs 13 are made from the same material and formed of one piece with one another.

Response to Arguments

7. Applicant's arguments filed 9-8-2000 have been fully considered but they are not persuasive.

The applicants have traversed the rejection to the first page of the specification. The examiner had issued a rejection to the applicants specification, page 1, requesting that page 1 be written in proper idiomatic English. Particularly, there is a missing statement after "Germany" line 5. The applicants are advised to read page 1 again carefully.

The applicants refer to newly submitted fig. 1 to be the same as fig. 12 of Kaneshige. The examiner traverses this characterization in the sense that Kaneshige never disclosed a drawing such as newly submitted fig. 1. Therefore newly submitted fig. 1 has not been entered or considered.

Still further, the applicants are arguing that the webs of Kaneshige, fig. 12 are not formed directly on the substrate, but instead are formed directly on the cover. The examiner respectfully

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disagrees. Fig. 12 of Kaneshige is an exploded view which of course shows webs 12 directly formed on reference 12. However in the assembled state, as seen in Kaneshige fig. 13, the webs 13 are also directly formed on a substrate 15. Therefore, Kaneshige defines over the present invention as rejected in the 102 rejection above.

In addition, the applicants are making arguments referring to newly submitted drawings figs. 2&3. Again these drawings have not been considered by the examiner, because they are two different drawings which were not in the original drawings.

Finally, it seems as the applicants are basing their arguments on the specification instead of making arguments that address the limitations in the claims.

In view of the above, the rejections are believed to be proper.


Communications

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ronnie Mancho, Phone # 703 305-6318. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Mr. Cuchlinski William could be reached at 703-308-3873.

Any inquiry of a general nature or relating to the status of this application or proceeding should be forwarded to the Group receptionist at 703 308-0956.

Ronnie M. Mancho

September 21, 2000


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
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